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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,839	12/07/2001	Francis Coret	Q67591	7789
7590	12/19/2003		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213				CULLER, JILL E
		ART UNIT	PAPER NUMBER	2854

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/004,839	CORET ET AL.
	Examiner Jill E. Culler	Art Unit 2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,840,696 to Krasuski et al. in view of U.S. Patent No. 4,479,159 to Kamei et al.

With respect to claims 1 and 5-7, Krasuski et al. shows a label tape dispenser for a franking machine, comprising a delivery roller, 2, on which is wound a continuous tape of labels, 1, and a drive means, 10, for conveying this tape along a dispenser conveying path from the delivery roller toward a label inlet of the franking machine.

Krasuski et al. does not show a first coding means mounted on the drive means for measuring an angular displacement of the drive means or a second coding means mounted on the delivery roller for measuring an angular displacement of the delivery roller or a processing means for calculating, from a ratio of the measurements of angular displacement, a remaining length of the continuous tape of labels. Krasuski et al. also does not teach that the first and second coding means are each constituted by an optical coder comprising an optical emitter/receiver cooperating with a coder disc on which slots defining equal steps of unitary displacement of the coding means are made at regular intervals.

Kamei et al. teaches a tape device having a delivery roller, 1, and a drive means, 2, for conveying a tape, 3, with a first coding means, 5, mounted on the drive means for measuring an angular displacement of the drive means, a second coding means, 4, mounted on the delivery roller for measuring an angular displacement of the delivery roller and a processing means, 10, for calculating, from a ratio of the measurements of angular displacement, a remaining length of the continuous tape of labels. See column 2, lines 25-36. Kamei et al. also teaches that the first and second coding means are constituted by an optical coder comprising an optical emitter/receiver cooperating with a coder disc on which slots defining equal steps of unitary displacement of the coding means are made at regular intervals. See column 2, lines 16-20.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the coding means and processing means of Kamei et al. with the label tape dispenser of Krasuski et al. in order to be able to calculate a remaining length of the continuous tape of labels, as taught by Kamei et al.

With respect to claims 2-4, Krasuski et al. does not teach that the processing means comprises means for calculating and controlling a display of different thresholds corresponding respectively to 100%, 75%, 50%, 25% and 0% of the remaining length of the tape. Krasuski et al. also does not teach that the display is effected either directly at the level of the label dispenser on a display means or on a user interface of the franking machine.

Kamei et al. teaches that the processing means comprises means for calculating and controlling a display, 13, of the remaining length of the tape. See column 2, lines 37-38.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the display of Kamei et al. to the label tape dispenser of Krasuski et al. in order to output the results in the form of a display. With respect to claim 2, it would have been obvious to provide this display in a format with thresholds corresponding respectively to 100%, 75%, 50%, 25% and 0% in order to present the output in a format which could be easily interpreted by an operator. With respect to claims 3 and 4, it would have been obvious to locate the display in any position where it would be potentially viewable by the operator in order to make the information readily accessible.

Response to Arguments

3. Applicant's arguments filed October 14, 2003 have been fully considered but they are not persuasive.

In reference to Applicant's argument that Kamei does not teach or suggest measuring the angular displacement of the rollers, while Kamei does not explicitly state the term angular displacement, the measurements made in Kamei can be interpreted as such. Kamei discusses measuring the rotational period of the rollers, which is essentially a measure of the angular displacement of the rollers over time. The claim language does not sufficiently distinguish between the two types of measurements to make the claims patentably distinct from the teachings of Kamei.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec



Dan Colilla
Primary Examiner
Art Unit 2854